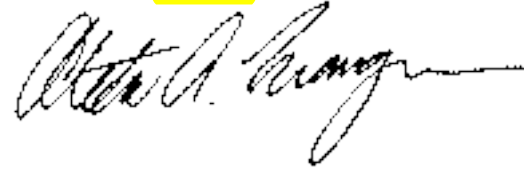


UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

Motion DENIED as
MOOT.



UNITED STATES OF AMERICA)

v.)

DORIAN AYACHE)

No. 3:13-00153-1
JUDGE TRAUGER

**DEFENDANT’S MOTION TO DISMISS COUNT 2 OR 3
AND FOR A BILL OF PARTICULARS**

Defendant Dorian Ayache moves for dismissal of Count 2 or 3, or for such relief as appropriate, because the Indictment suffers from multiplicity. He also seeks a bill of particulars because two of the four dates stated in the indictment for Counts 2 and 3 do not correspond to dates in Yahoo data or significant events.

Background

Section 1512(c)(1) of Title 18 states that one unlawfully obstructs justice if one corruptly “alters, destroys, mutilates, or conceals” a document with the intent to impair its availability for use in an official proceeding. In preparation for grand jury proceedings, the government subpoenaed certain emails from Ayache. According to the government, Ayache deleted certain emails from his Yahoo account instead of producing them. It is unknown to Ayache whether the government believes he deleted them in one sitting or in several.

For this alleged misconduct, the government has brought two charges that split § 1512(c)(1) into two separate charges with overlapping date ranges, as follows.

- Count 2 charges that Ayache did corruptly “alter, destroy, and mutilate” emails stored with Yahoo between May 9 and July 8, 2013.